

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

**THE DELAWARE, LACKAWANNA AND WESTERN
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on The Delaware, Lackawanna and Western Railroad that:

1. The Carrier violated the terms of the Telegraphers' Agreement when and because starting on Saturday, August 25, 1951 and continuing each Saturday through March 15, 1952, it required or permitted an employe not covered by the Telegraphers' Agreement to receive communications of record by telephone from Binghamton, which communications are handled by an employe under said Agreement Mondays through Fridays.

2. The Carrier further violated the terms of the Telegraphers' Agreement when and because it did not render a decision to reach the Organization within the time limits prescribed.

3. In consequence of these violations the Carrier shall pay Operator O. L. Chadwick, Norwich, for thirty (30) "Calls" in the amount of \$157.80.

FINDINGS: The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon has been held and concluded. Under date of December 5, 1958, the parties jointly addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request is hereby granted.

AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

**ATTEST: A. Ivan Tummon
Executive Secretary**

Dated at Chicago, Illinois, this 18th day of December, 1958.